

CITY OF HOUSTON, TEXAS
APPLICATION FOR STREET FUNCTION
UNDER SECTION 40-27, CODE OF ORDINANCES

In accordance with the provisions of Section 40-27 of the Code of Ordinances, Houston, Texas, the undersigned Applicant ("the Applicant") hereby makes application to the City's Director of Traffic Management and Maintenance Branch ("the Director") for the conduct of a street function. Pursuant to Section 40-27 (h) of the Code of Ordinances, an application for a **major** function shall be filed not less than 120 days prior to the commencement date of the function. An application for a **minor** function shall be filed not less than 40 days prior to the commencement date of the function, provided that an applicant for a minor function who wishes to retain the right of an appeal to city council shall file an application more than 120 days prior to the commencement date of the function. See Section 40-27 (h) of the Code of Ordinances for further clarification.

(1) The name of the Applicant is: _____

_____. (If the application is made on behalf of a corporation, partnership or other organization, then the application should be made in the name of that entity. Also, please attach a copy of the articles of incorporation, partnership agreement, or other evidence of the Applicant's legal existence and a copy of a corporate resolution or other evidence of the authority of the person executing this application to act on behalf of the Applicant in executing this application).

(2) The Applicant's address for mailing of any notice relating to this application is:

_____.

(3) The name and telephone number of the person who should be contacted by the Director for further information regarding this application is: _____

_____.

(4) The nature of the proposed function is: _____

_____.

(5) The date, day of the week, and beginning and ending times of the proposed function are:

_____.

_____.
(Include any times before or after the function that the street(s) will be used for staging or break-up of the function).

(6) The streets or portions of streets to be utilized by the function are: _____

_____.

(Attach a map or designate intersections to clearly identify the areas to be used. Denote on your map the properties in the vicinity (residential, commercial or other purposes) that will be affected by this event. If the function is a race or other activity that will follow a route, describe the beginning point, ending point and direction of flow, also estimate the approximate times that the function will be on-going at each part of the route).

(7) The number of persons expected to participate in the function is: _____.

(8) The Applicant represents that public parking, public restroom facilities, public trash receptacles and other amenities in the vicinity where the function will be conducted is or will be available to accommodate the estimated number of participants. (Attach a map(s) showing where public parking is or will be provided, where the public restroom facilities are or will be located and where public trash receptacles are or will be located during this event).

(9) Will your event use any outdoor sound system, and if so, have you applied for a Sound Permit? _____ Yes _____ No
To apply for a Sound Permit, you need to call (713) 837-9838.

(10) Have you conducted any similar events in the city of Houston or in other jurisdictions?
If so, please advise whether you were required to obtain a permit for the function and provide us with the name and contact phone number for the permitting agency, if available:

_____.

(11) Are you planning to serve alcoholic beverages at this event or allow others to bring alcoholic beverages into your event? _____ Yes _____ No
If so, be specific as to where the beverage booths will be located by providing us with a map of each booth location. What are your plans to keep others from bringing alcoholic beverages into your event and to keep patrons from taking alcoholic beverages out of the event? _____

_____.

(12) The Applicant agrees to pay cost of providing uniformed off-duty peace officers on an overtime basis or furnish off-duty uniformed peace officers as required by the Houston Police Department.

(13) The vehicles and equipment to be used on the streets in connection with the function, if any, are: _____

_____. (Describe and include estimated numbers).

(14) Pursuant to Section 40-27 (d) of the Code of Ordinances, the Applicant agrees to conduct the function in such a manner that at least one lane of the street or streets to be utilized will be capable of being opened at all times for access by persons requiring emergency access to properties abutting the function and by police, fire, ambulance and other emergency vehicles. (Provide us with a plan outlining how you intend to keep one lane open).

(15) The Applicant also agrees to provide a person on-site during the function to coordinate response activities with city officials. Provide us with a name for the on-site person, their contact number(s), i.e. mobile phone number and pager number:

(16) The Applicant agrees to pay the salary costs of providing the Public Works and Engineering Department employees on an overtime basis as required to deploy and remove the traffic cones, barricades and signage. The Applicant agrees to provide to the director a deposit sufficient to cover the cost of the same at least 72 hours prior to the event.

(17) ***APPLICANT, FOR AND ON BEHALF OF HIMSELF/HERSELF/ITSELF, TOGETHER WITH HIS/HERS/ITS, SUCCESSORS, HEIRS, EXECUTORS, ADMINISTRATORS, ASSIGNS, PARTNERS, MEMBERS, DIRECTORS, OFFICERS, SHAREHOLDERS, EMPLOYEES, AGENTS, SERVANTS, AND VOLUNTEERS, DOES HEREBY AGREE TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY OF HOUSTON, TEXAS, TOGETHER WITH ALL OF ITS FORMER AND PRESENT ELECTED AND APPOINTED OFFICIALS, LEGAL REPRESENTATIVES, EMPLOYEES, (IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES), AGENTS, SERVANTS, VOLUNTEERS, SUCCESSORS AND ASSIGNS AND ALL AFFILIATED PERSONS, AND ENTITIES, (HEREINAFTER COLLECTIVELY *HOUSTON*) OF, FROM AND AGAINST ANY AND ALL LIABILITIES OF EVERY KIND, CLAIMS, CAUSES OF ACTION, LOSSES, JUDGMENTS, (INCLUDING ALL EXPENSES OF LITIGATION, COSTS, AND ATTORNEYS' FEES), FINES, DEMANDS, DAMAGES, LOSS OF USE OR SERVICES, OR INJURIES TO REAL AND/OR PERSONAL PROPERTY AND/OR PERSONS (INCLUDING DEATH), KNOWN AND UNKNOWN, (COLLECTIVELY *CLAIMS*) ASSERTED BY ANY PERSON OR ENTITY AGAINST *HOUSTON* WHETHER AT LAW OR IN EQUITY, IN CONTRACT OR TORT, UNDER STATUTORY OR COMMON LAW OR PURSUANT TO THE TEXAS OR UNITED STATES CONSTITUTION(S), ARISING OUT OF, TOUCHING UPON OR IN ANY WAY RELATING TO THE *FUNCTION* AND/OR TO THE PRESENCE, MALFUNCTION, MAINTENANCE, ADDITION OR SUBSTITUTION OF ANY PROPERTY OWNED, LEASED, OPERATED, OR UTILIZED BY *HOUSTON* AND/OR ANY OTHER PERSON OR ENTITY IN CONNECTION WITH THE *FUNCTION* EVEN IF THE *CLAIM* IS THE RESULT OF THE ACTUAL OR ALLEGED SOLE***

NEGLIGENCE OF *HOUSTON* AND/OR THE ACTUAL OR ALLEGED JOINT OR CONCURRENT NEGLIGENCE OF *HOUSTON* AND ANY OTHER PERSON OR ENTITY, AND/OR THE ACTUAL OR ALLEGED STRICT, STATUTORY OR CONSTITUTIONAL LIABILITY OF *HOUSTON*. AS SUCH, THE FOREGOING INDEMNITY IS INTENDED TO INDEMNIFY *HOUSTON* AGAINST THE CONSEQUENCE OF ITS SOLE NEGLIGENCE OR FAULT AND AGAINST THE CONSEQUENCE OF THE NEGLIGENCE OR FAULT OF *HOUSTON* OCCURRING JOINTLY OR CONCURRENTLY WITH THE NEGLIGENCE OR FAULT OF ANY PERSON OR ENTITY AND AGAINST THE CONSEQUENCE OF THE STRICT, STATUTORY, OR CONSTITUTIONAL LIABILITY OF *HOUSTON*.

- (18) The Applicant understands that he/she must provide a liability insurance policy covering the function with limits not less than \$100,000.00 for each occurrence of property damage and \$100,000.00 for each person and \$300,000.00 for each occurrence for bodily injury or death. The policy or a binder evidencing the policy shall be furnished 30 days prior to the commencement of the event. The policy shall name the city as an insured and be issued by a carrier authorized to transact business in Texas. Each policy shall be reviewed by the city attorney for conformity with this subsection.
- (19) The Applicant understands that he/she may be required to provide and/or pay for newspaper notices or signs posted that serve the area where the event will be conducted and to furnish evidence thereof to the director.

Applicant Signature: _____

Printed Name: _____

Date: _____

THE STATE OF TEXAS

AFFIDAVIT

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared:

(Applicant or person executing the Application)

who is known to me and who being first duly sworn by me, deposed and said that all information which is contained in the foregoing application and any documents furnished in support thereof is true and correct within his or her personal knowledge. To the extent that the application was executed on behalf of a corporation or other entity, the person executing it further attested that he or she is duly authorized to act for and on behalf of the Applicant and has executed this application as the act and deed of the Applicant.

SUBSCRIBED AND SWORN TO before me on the _____ day of _____ 19____.

Notary Public in and for the STATE OF TEXAS

My Commission expires:
